

1.

Florence, New Jersey 08518-2323  
January 28, 2008

The Reorganization/Regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Board Clerk Nancy Erlston called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Board Clerk Erlston then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Mayor Bill Berry	Councilman Sean Ryan
Gene DeAngelis	John T. Smith
Mildred J. Hamilton-Wood	David Woolston
Wayne Morris	James Molimock

ABSENT: Craig Wilkie

Attorney David Frank administered the oath of office to Mayor Bill Berry (Class I), Councilman Sean Ryan (Class III), Wayne Morris (Class II), David Woolston (Alt.#1/Class IV) and James Molimock (Alt.#2/Class IV).

Board Clerk Erlston called for nominations for Chairman of the Board.

Motion of Smith, seconded by Ryan to nominate Mildred Hamilton-Wood as Chairperson. Hearing no further nominations motion was made by Berry and seconded by Ryan to close nominations. The Board voted unanimously to elect Mildred Hamilton-Wood as Chairperson. Ms. Hamilton-Wood thanked the Board and was seated as Chairperson.

Chairperson Hamilton-Wood opened nominations for Vice Chairman.

Motion of Berry, seconded by Morris to nominate Craig Wilkie as Vice Chairman. Hearing no further nominations, motion was made and seconded to close nominations. The Board voted unanimously to elect Craig Wilkie as Vice Chairman in absentia. Chairperson Hamilton-Wood stated Mr. Wilkie had a work commitment and was not able to attend this meeting.

Chairperson Hamilton-Wood asked for nominations for Board Secretary.

Motion of Berry, seconded by Ryan to nominate John Smith as Board Secretary. Hearing no further nominations, motion was made and seconded to close nominations. The Board

2.

voted unanimously to elect John Smith as Secretary. Mr. Smith thanked the Board and was seated as secretary.

Chairperson Hamilton-Wood called for nominations for Board Clerk.

Motion of Berry, seconded by Ryan to nominate Nancy Erlston as Board Clerk. Hearing no further nominations motion was made by Smith, seconded by Morris to close nominations. The Board voted unanimously to appoint Nancy Erlston as Board Clerk. Mrs. Erlston thanked the Board and was seated as Clerk.

Chairperson Hamilton-Wood stated that the next order of business was the appointment of the Board's Professional Staff.

Motion of Ryan, seconded by Berry to appoint David Frank as Board Solicitor. Hearing no further nominations motion was made by Smith, seconded by Ryan to close nominations. Motion unanimously approved by all members present. Solicitor Frank thanked the Board for the appointment.

Motion of Berry, seconded by DeAngelis to appoint Dante Guzzi as Board Engineer. Hearing no further nominations motion was made by DeAngelis, seconded by Smith to close nominations. Motion unanimously approved by all members present. Engineer Guzzi thanked the Board for the appointment.

Motion of Berry, seconded by Ryan to appoint Joseph Petrongolo as Board Planner. Hearing no further nominations, motion was made by DeAngelis and seconded by Smith to close nominations. Motion unanimously approved by all members present. Planner Petrongolo thanked the Board for the appointment.

Chairperson Hamilton-Wood stated that the Board had completed their reorganization and could move forward with resolutions.

## RESOLUTIONS

### **Resolution PB-2008-01 Appointment of Planning Board Solicitor, Engineer and Planner.**

Motion of Smith, seconded by Ryan to approve Resolution PB-2008-01.

Upon roll call the Board voted as follows:

YEAS:	Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Hamilton-Wood
NOES:	None
ABSENT:	Wilkie

3.

**Resolution PB-2008-02**  
**Establishing annual schedule of regular meetings and other policies relating to the**  
**New Jersey Open Public Meetings Act.**

Motion of Berry, seconded by Ryan to approve Resolution PB-2008-02.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Hamilton-Wood  
NOES: None  
ABSENT: Wilkie

**Resolution PB-2008-03**  
**Readopting the Florence Township Planning Board Administrative Rules.**

Motion of Ryan, seconded by Berry to approve Resolution PB-2008-03.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Hamilton-Wood  
NOES: None  
ABSENT: Wilkie

**Resolution PB-2008-04**  
**Granting preliminary and final major site plan approval to the New Jersey State**  
**Fraternal Order of Police for construction of an office facility on Block 159, Lot**  
**8.02, located in an HC Highway Commercial Zoning District.**

Chairperson Hamilton-Wood stated that this was a holdover from last year and only the members who voted on it last year would be eligible to vote.

Motion of Smith, seconded by Morris to approve Resolution PB-2008-04.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Smith, Ryan, Hamilton-Wood  
NOES: None  
ABSENT: Wilkie

**Resolution PB-2008-05**  
**Continuing the application of Punam Corporation for preliminary and final site**  
**plan approval for construction of a retail building on Block 160.01, Lot 14, located**  
**in an HC Highway Commercial Zoning District.**

Motion of DeAngelis, seconded by Smith to approve Resolution PB-2008-05.

4.

Upon roll call the Board voted as follows:

YEAS: DeAngelis, Smith, Ryan, Hamilton-Wood  
NOES: None  
ABSENT: Wilkie

#### MINUTES

Motion of DeAngelis, seconded by Ryan to approve the Minutes from the regular meeting of December 17, 2007 as submitted. Motion unanimously approved by all members present.

#### CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated December 20, 2007 regarding review of Scamporino site plan.
- B. Certification of Soil Erosion and Sediment Control Plan for proposed Gallina Plaza, Block 110, Lots 3.01 & 8.01.
- C. Planner's letter dated January 14, 2008 regarding the guard house at the Cream-O-Land site, 529 Cedar Lane, Florence.
- D. Review letter from Engineer Guzzi dated January 15, 2008, regarding Cream-O-Land Dairy, Inc.
- E. Letter from the Florence Township Environmental Commission regarding the landscaping improvements to the Griffin Pipe property.
- F. Letter from Alaimo Engineer's dated January 24, 2008, regarding Estates at Crossroads subdivision.

Motion of DeAngelis, seconded by Morris to receive and file Correspondence A through F. Motion unanimously approved by all members present.

#### OLD BUSINESS

Chairperson Hamilton-Wood called for application PB#2007-17 for Punam Corporation. Applicant is requesting Preliminary and Final Major Site Plan approval with bulk variances to permit construction of a 6,107 sq. ft. retail building at 2000 Route 130 North, Block 160.01, Lot 14.

Chairperson Hamilton-Wood stated that a letter had been received from the applicant's attorney Charles Petrone requesting a continuance until the February 25, 2008 meeting.

Motion of DeAngelis, seconded by Ryan to continue the application.

5.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Hamilton-Wood  
NOES: None  
ABSENT: Wilkie

#### NEW BUSINESS

Chairperson Hamilton-Wood called for application PB#2007-23 for Craft Stewart. Attorney Penberthy was not in attendance. Chairperson Hamilton-Wood stated that the Board would table this until later in the meeting and would move ahead on the agenda.

Chairperson Hamilton-Wood called for application PB#2008-01 for Rocco Gangone. Applicant is requesting Minor Site Plan waiver to permit a 286 sq. ft. addition to the rear of the building to expand the kitchen to gain more storage area to Rocco's Pizza located at 310-312 West Front Street, Florence, Block 36, Lots 22 and 23.

Solicitor Frank asked if Mr. Gangone was represented by Counsel this evening. Ed Jimenez stated that he was the architect for the project. Rocco Gangone and Ed Jimenez were sworn in by Solicitor Frank.

Mr. Gangone stated that he would like the Board to grant permission for him to square off his building in the back to add more room. Mayor Berry asked if the proposed addition would be to the back of the dining area. Mr. Gangone answered that it was.

Solicitor Frank stated that the request was actually for a waiver of site plan opposed to site plan review. Engineer Guzzi said that the application was for a minor site plan with variances required for the application. He stated that he believed that the applicant was requesting a waiver of the site plan review. If the Board is comfortable granting that waiver for site plan review then the completeness items listed in his January 17<sup>th</sup> letter don't apply because these are completeness items that are for a site plan submission.

Engineer Guzzi stated that the work involved is fairly minor and confined. The request is for a 286 sq. ft. addition that would square off the existing building. This would be constructed on existing impervious so there is really not a lot from a site plan perspective to review. The applicant has supplied a survey, and a sketch of the floor plan of the building and the addition. It is up to the Board whether they want to waive the site plan.

Solicitor Frank stated that the Board could waive the submission items, but hold onto the site plan review. The Planning Board only has ancillary jurisdiction over variances. If the Board is no longer reviewing the site plan jurisdiction may shift to the Zoning Board.

Engineer Guzzi stated outlined in his January 17, 2008 letter items A through H are the submission items that are required for the Minor Site Plan application. Engineer Guzzi stated that he was comfortable in waiving the submission items at this time with the

6.

understanding that if it turns out during the course of the hearing that some of these items need to be addressed or added to the plan the applicant will be required to do that.

Motion of Ryan, seconded by Smith to deem the application complete and grant the submission waivers.

Upon roll call the Board voted as follows:

YEAS:	Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Hamilton-Wood
NOES:	None
ABSENT:	Wilkie

Solicitor Frank stated that he had reviewed the notice of hearing that was mailed to adjoiners and the notice is adequate for the Board to proceed with the hearing of this application.

Chairperson Hamilton-Wood asked what the exterior of the addition would look like. Mr. Jimenez stated that the main building is masonry. There is a previous addition in the back, which is the kitchen. The proposal is to add onto that with a new footing, new concrete floor and wood frame construction. Both additions will be wrapped with vinyl siding. The rear of the building will look totally new. The new roof will go over the new addition and the old addition and match up with the higher portion of the building.

Chairperson Hamilton-Wood asked what variances were requested. Engineer Guzzi said that his January 17<sup>th</sup> letter shows a bulk table outlining 5 existing non-conforming conditions for the building. The addition will create an increase in building coverage, which is the only new variance generated by the proposed development. In addition to the bulk conditions there are several other variances or waivers that are required.

Chapter 91-232 requires a minimum buffer of 25' along any property line with a residential use. The existing building is just about on the property line on that side. There is a residence on the one side, but the addition will match the existing building.

Chapter 91-233 requires off street parking for customers. Currently for the most part it is on street parking and walk up traffic. There is some parking in the back, which is used primarily for employees and for deliveries. Engineer Guzzi stated that the addition is not to add seats or to expand the restaurant it is primarily for the kitchen itself. Presumably there wouldn't be an increased demand over what is there now. He asked Mr. Gangone to provide testimony about the adequacy of parking.

Mr. Gangone said that most of the parking is in the front. There is a handicap spot in the back. He said there is the parking lot adjacent to Johnson's Store, which is available for parking. Mr. Gangone stated that in his opinion there is adequate parking.

Engineer Guzzi stated that Chapter 91-234 requires a designated loading area. He stated that it appears that loading happens in the rear. Mr. Gangone said that there are 2 doors

7.

in the back of the store – one goes into the dining room and one goes into the kitchen. The truck parks there and brings deliveries in through the kitchen. Engineer Guzzi said then it is not a designated area, but it is an area that is used for loading.

Chairperson Hamilton-Wood said that Mr. Gangone had indicated that he was using the back dining room door for handicap wheelchair accessibility. Mr. Gangone said that there is the spot in the back that is always open by the back dining room door. This will remain available even after the addition is completed.

Engineer Guzzi wanted to verify that there would be no stormwater discharged on neighboring property. Mr. Jiminez stated that the addition would be guttered and would drain to the alley. This is where the drainage is currently directed. Mr. Gangone stated that currently all the water from the neighbors comes to his side. He said that he would like to correct this. Engineer Guzzi said that if there were going to be any grading done to redirect drainage flow a grading plan would be required. Mr. Jiminez stated that the grading would be left as is and new gutters would be added off of the addition and directed towards the alley. Engineer Guzzi stated that there is no increase in impervious coverage so there would be no increase in drainage from the site.

Engineer Guzzi asked if there would be any new mechanical equipment such as exhaust fans. Mr. Jiminez stated that there are no new mechanical systems planned as part of this addition.

Engineer Guzzi stated that the applicant would be responsible for obtaining any other required approvals from other agencies.

Engineer Guzzi stated that variances were required for the existing non-conforming conditions for minimum lot area, minimum lot frontage, minimum lot width, minimum lot depth and minimum side yard setback on the east because it's not an attached building. Then there will be a new variance for an increase of building coverage from 51% to 57% where 35% is permitted.

Engineer Guzzi stated that waivers had been granted for minimum buffer along the residential use, required off street parking and designated loading area.

Motion of Smith, seconded by Ryan to open the hearing to public comment. Motion unanimously approved by all members present.

Seeing no one wishing to comment motion was made by DeAngelis, seconded by Morris to close the public comment portion. Motion unanimously approved by all members present.

Motion of Berry, seconded by Ryan to approve application PB#2008-01 with the variances as set forth by Engineer Guzzi's January 17, 2008 letter.

Upon roll call the Board voted as follows:

8.

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Hamilton-Wood  
NOES: None  
ABSENT: Wilkie

Chairperson Hamilton-Wood called for application PB#2007-23 for Craft Stewart. Applicant is requesting an extension of the Final Major Subdivision approval, which was granted under resolution PB-2005-46 for property located at 1100 West Front Street, Florence. Block 156.01, Lot 2.

Member Woolston indicated that he had a conflict and left the dais. Member Molimock will be a voting member for this application.

Attorney for the applicant Edward Penberthy stated that this was an application for a property in Florence. Pursuant to the provisions of the statute 40:55D-53.d, which provides for an extension of an approval for one year if there is a problem in getting other governmental approvals. In this instance the request is made for the Estates at Oak Mill because they still do not have the DEP Letter of No Further Action.

James Stewart was sworn in by Solicitor Frank. Mr. Stewart stated that he was a partner in Craft Stewart the developer of the project. Mr. Stewart stated that approval of this project was memorialized on December 19, 2005. This was for final approval, which would expire on December 19, 2007. Mr. Stewart indicated that the request for an extension had been filed in October and had been continued until this January meeting.

Mr. Stewart said that after the Final Board approval there were still several pending approvals. The last approval required was the NJDEP approval for remediation of several small areas on the site. Phase 1 testing was actually started before Preliminary approval in March 2004. Phase 2 required some additional testing. There were a few areas that needed remediation. Mr. Stewart explained that the DEP testing is in several steps. First there is broad site work to find areas with contamination. Then define these areas and continue to test until they define the outer limits of the area that needs to be remediated. After that a remediation plan must be devised and submitted to the DEP for approval. About half way through this process the case reviewer retired so they were stuck for a while until a new reviewer was assigned. This occurred late in 2005.

Mr. Stewart stated that once a new case reviewer was assigned they got approval for the remediation plan in 2006. The next step was to remove the contaminated soil and then do the post excavation samples and submit these to the DEP for approval. This approval was received. The final step is deed notice. Craft Stewart submitted a sample deed notice to DEP. DEP came back with some comments and in the midst of the review the DEP changed the type of deed notice that they use. Craft Stewart revised the deed notice and is now submitting it back to DEP for approval. Once this is approved Craft Stewart can record the deed notice and the DEP will issue the NFI letter.

Chairperson Hamilton-Wood asked what the time frame for this last step would be? Attorney Penberthy said that Griffin Pipe was the entity responsible for the remediation. They have indicated that the deed notice will go into the deed within the next month. The DEP will probably respond within 3 months.

Attorney Penberthy stated that Mr. Stewart had compiled a chronology of all that has happened with the DEP so that the Board can be satisfied that the applicant has been diligently seeking this approval. This synopsis was submitted as exhibit A1. Mr. Stewart said that the deed notice is through the last round of comments so he thinks they are in pretty good shape.

Attorney Penberthy said that the property in question is located right behind the Municipal Complex. He said that one of the conditions of the approval is for the applicant to build a hockey rink on municipal property. He said that the applicant had entered into an agreement with the municipality on the COAH requirements. In that agreement, Mr. Stewart agreed to pay the 1% of assessed valuation at that time plus the other assessment. Mr. Stewart agreed that this was correct. Attorney Penberthy stated that this was in the resolution and pursuant to a signed agreement.

Chairperson Hamilton-Wood asked if this would change because of the change in the COAH regulations. Solicitor Frank stated that the requirement being imposed upon the township by the state has changed. He asked Attorney Penberthy to explain the applicant's position. Attorney Penberthy stated that this application is made pursuant to the provisions of the statute he recited, which requires the grant of an extension for one year. This is not a discretionary extension it is required if the project is delayed because of other approvals being required.

Attorney Penberthy said that at the time they entered into that agreement with the township they were exceeding the requirements. They feel that they are entitled to live with that agreement.

Chairperson Hamilton-Wood said that despite the fact that none of this is the fault of the applicant and they have done what they were supposed to do and that as a matter of right this extension should be granted. Does this reduce the township's obligation under the new COAH rules? Planner Petrongolo said that the new COAH rules have not been adopted yet. These are draft rules and this is the comment period. The goal is to have this adopted by June.

Mayor Berry asked if any applications that had already been approved would be grandfathered. Planner Petrongolo said that they would not. Solicitor Frank stated that the town would be required to satisfy the obligation as defined by the new rules for all development. That does necessarily mean that a town can go back a ratchet up the obligation on an individual developer who already has an approval.

Attorney Penberthy said that as he understands the rules if the towns impose the obligations they may be required to offer density bonuses to the developers.

Solicitor Frank stated the statute 40:55D-52.d says that “the Planning Board shall grant an extension of final approval for a period determined by the Board but not exceeding one year from what would otherwise be the expiration date. If the developer proves to the reasonable satisfaction to the Board that the developer was barred or prevented, directly or indirectly from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and that the developer applied promptly for and diligently pursued those approvals...”

Solicitor Frank that the key thing for the Board to take into consideration is that the statute says that the Board “shall approve”. This can be contrasted with the other sections of the statutes that precede this where there are discretionary extensions available to the Board. Solicitor Frank said that site plan approvals don’t really expire, but they lose their protection from changes of law or zoning. When the Board is doing an extension of the approval they are affording the developer an extension of the period of protection from other changes in the law.

Solicitor Frank said that if the Board finds that the applicant really was diligent in their pursuit of seeking these approvals then the Board is obliged to grant this extension.

Mayor Berry asked where the areas of remediation were located on the site. Mr. Stewart said that there were 2 small non- wooded areas beyond the baseball field that had small amounts of tantalum and lead. These areas have been removed.

Mr. Stewart stated that he had diligently pursued the required approvals and had been barred from procuring them by the NJDEP.

Chairperson Hamilton-Wood stated that the Board has had several similar applications in asking for extensions usually involving the DEP. She stated that she suspects that diligence has been undertaken in attempting to procure this approval.

Motion of Berry, seconded by DeAngelis to grant the 1 year “by right” extension back to December 19, 2007.

Upon roll call the Board voted as follows:

YEAS:	Berry, DeAngelis, Morris, Smith, Ryan, Molimock, Hamilton-Wood
NOES:	None
ABSENT:	Wilkie

Member Woolston returned to the Board.

Chairperson Hamilton-Wood called for PB#2007-24 for A & H Properties, LLC. Applicant is requesting an extension of the Final Major Subdivision approval, which was granted under resolution PB-2006-07 for property located on Bustleton Road and known as Bustleton Estates- North.

Attorney Edward Penberthy stated that this application was part of one project but it was granted by 2 different resolutions. One expires in January 2008 and the other expires in July 2008.

Attorney Penberthy stated that for this application all the approvals are in place. The reason for the request for the extension is the housing market. On these particular projects there are large lots and would have “jumbo” mortgages which will be difficult to obtain at this time. He explained that they have final approval on both these projects, but they are requesting the extension of the period of protection.

Attorney Penberthy stated that in regards to COAH they have agreed that if the extension is granted, at the time they come in to have the file plats signed, they would abide by whatever COAH regulations are in effect at that time.

Solicitor Frank stated that the township has no idea what is going to happen with the COAH requirements. He said that for the sake of the Board and their concerns it should be noted that there would not be less of an obligation than what was previously agreed upon. Mr. Penberthy agreed with this and said that on the north side the developer agreed to pay the 1% assessed value and \$35,000.00 per unit. This is stated in the resolution. On the south side the Board had proposed the obligation to build 3 COAH units. The developer had designed 1 home with 3 units and created separate lots for each home.

Attorney Penberthy called realtor Louis Clement to give an explanation of the real estate market.

Louis F. Clement was sworn in by Solicitor Frank. Mr. Clement stated that he had been in the real estate business for 55 years. He stated that his business was residential housing. He stated that it is general knowledge that the market for residential housing has softened considerably.

Mr. Clement stated that the party that they had involved has backed off because of the market. Hopefully when the market does improve, either that party will come back in or Mr. Clement will procure another party.

Attorney Penberthy said that there are 2 different resolutions. One came due in January and when they applied for the extension, COAH hadn't come out with the rules yet. The second resolution expires in July so they will be entitled for that protection until July. This resolution that expires in July is where the on-site COAH is proposed. Attorney Penberthy asked the Board to grant the extension, but it wouldn't be effective until July, so if for some reason they were to go forward they would live by the current approval.

Chairperson Hamilton-Wood asked if after these extensions expire could the Board grant additional one year extensions. Attorney Penberthy stated that the Board could grant a longer extension on this approval because it is greater than 50 acres. He stated that he would live with the same conditions that whenever they came in with their file plan and

12.

their bonds at that time they would meet whatever the COAH requirements are that are imposed by the town.

Attorney Penberthy stated that when they are ready to start they would accept whatever COAH requirements are imposed by the town at that time. The current agreement would be the minimum. Attorney Penberthy stated that he wanted to make it clear for the north side that if for some reason that they should start to build before the current approval expires they would live with the current agreement. Attorney Penberthy stated that he was convinced that the COAH rules would not be in place before July. Planner Petrongolo said that the current anticipated date is the beginning of June. Attorney Penberthy said that there would be appeals and stays issued.

Chairperson Hamilton-Wood stated that the Board would rule on the applications separately. The Board would take the north side first. This side of the development has the contribution.

Member Woolston asked who owned the approval. Attorney Penberthy stated that the approval runs with the land. Member Woolston stated that the resolution names Orleans as the applicant. Attorney Penberthy stated that the owner of the land, A & H Properties had given Orleans consent to act as applicant in the previous application. A & H Properties as the owner has the right to apply for this extension.

Motion of Woolston, seconded by Smith to grant a one year extension expiring on January 16, 2009.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith Ryan, Woolston, Hamilton-Wood  
NOES: None  
ABSENT: Wilkie

Chairperson Hamilton-Wood stated that she was looking for a motion for the south portion (Application PB#2007-25) with the agreements as set forth earlier regarding COAH.

Motion of Morris, seconded by DeAngelis for a one year extension which will expire on July 17, 2009.

Upon roll call the Board voted as follows:

YEAS: Berry, DeAngelis, Morris, Smith, Ryan, Woolston, Hamilton-Wood  
NOES: None  
ABSENT: Wilkie

OTHER BUSINESS

Chairperson Hamilton-Wood said that the first item under other business was a request from Vice Chairman Craig Wilkie. The January and February Planning Board meetings have been shifted from the 3<sup>rd</sup> Monday to the 4<sup>th</sup> Monday to avoid a conflict with Martin Luther King Jr. Birthday holiday and President's Day holiday. Vice Chairman Wilkie has a conflict on the 4<sup>th</sup> Monday and asks that the Board consider changing these 2 meetings to the 3<sup>rd</sup> Tuesday. All 3 members of the Board's Professional staff have other commitments on the 3<sup>rd</sup> Tuesday so the Board agreed to keep the meeting dates as set.

The second item for the Board's consideration was a request from Mr. Raj Vohra for a second TRC meeting regarding a proposal for a Dunkin Donuts at the BP Gas Station.

Chairperson Hamilton-Wood stated for new Board members that the TRC Committee is a 3 member committee with the Board's Professional staff to try to streamline the applications before they get to the Board meeting. She stated that Mr. Vohra has already had an informal presentation to the Board and has already had one TRC meeting.

Engineer Guzzi said that Mr. Vohra has been in periodic contact with his office waiting for the BP station to finish their ongoing improvements. The BP is getting closer, but they aren't there yet. Engineer Guzzi stated that he doesn't think that there would be any different concerns than what were presented at the last TRC or the Informal Presentation.

Chairperson Hamilton-Wood stated that the Board has done informal and TRC for this applicant and she doesn't see the benefit of another TRC. Solicitor Frank said that the Planning Board's rules include a discussion of a site plan committee, which is in essence what the Board is talking about. The Chairman may appoint a site plan committee if it appears to the Board that such a committee would assist in competent and expeditious performance of it's work load. Solicitor Frank said that the adopted rules don't require that the Board send anything to the Technical Review Committee unless it is for the Board's convenience.

Secretary Smith stated that the owner's of the BP Station were granted approval for an accessory convenience store when they built the building. They now want to make it a Dunkin Donuts. The Board had many concerns regarding parking and traffic, which were related to the applicant.

The Board agreed that there was no benefit to another TRC meeting. If the applicant wants to pursue this issue then they should file a Land Use application.

Motion of Berry, seconded by Ryan to open the meeting for public comment. Motion unanimously approved by all members present. Seeing no one wishing to comment motion was made by Berry, seconded by DeAngelis to close the public comment. Motion unanimously approved by all members present.

MASTER PLAN REVIEW

14.

Chairperson Hamilton-Wood stated that the Board had been discussing COAH all evening. The Board agreed that no further Master Plan discussion was required at this time.

Motion to adjourn by DeAngelis, seconded by Ryan at 8:57 p.m. Motion unanimously approved by all members present.

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John T. Smith, Secretary

JTS/ne